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UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of	:	
BAUER et al.	:	
Application No.: 10/598,143	:	DECISION ON
PCT No.: PCT/DE05/00215	:	
Int. Filing Date: 09 February 2005	:	DECLARATION
Priority Date: 18 February 2004	:	
Attorney Docket No.:1431.170.101/FIN561PCT	:	
For: SEMICONDUCTOR COMPONENT	:	
HAVING A STACK OF SEMICONDUCTOR	:	
CHIPS AND METHOD FOR PRODUCING	:	
THE SAME	:	

This decision is on the submission of a declaration, filed in the United States Patent and Trademark Office on 08 August 2008 in the above referenced application.

**BACKGROUND**

On 18 August 2006, within the expiration of the thirty month period, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 directed to PCT/DE05/00215, accompanied by the basic national fee. The papers were assigned U.S. application no. 10/598,143 as the national stage application of PCT/DE05/00215.

On 02 April 2007, the Office mailed Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 11 May 2007, applicant submitted a response to the Notification including a copy of the declaration executed by the inventors.

On 09 July 2008, a Notification of Defective Response was mailed, indicating that the declaration did not comply with 37 CFR 1.497(a) and (b) in that it "identifies the wrong PCT number." Applicant was given ONE month within which to respond or the time remaining under the Notification of Missing Requirements.

On 08 August 2008, applicant responded with the submission of a newly executed declaration, which identified the wrong PCT number PCT/**IB**05/00215.

### **DISCUSSION**

The declaration, submitted in response to the Notification of Defective Response on 08 August 2008, is unacceptable for two reasons. The declaration submitted on 08 August 2008 does not identify the correct international application PCT/**DE**05/00215. The declaration is directed to PCT/**IB**05/00215. U.S. application 10/598,143 is the national stage application of PCT/**DE**05/00215.

Moreover, the declaration contains two signatory Page 3s. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." See MPEP 201.03. What is required is one declaration where all inventors have signed or separate complete declarations. The requirements of 37 CFR 1.497 (a) and (b) have not yet been met and the declaration is unacceptable as filed. Since the declaration was not a proper response to the Notification of Defective Response, the application is abandoned.

Applicant is advised that the USPTO does not accept a declaration that has been altered.

Section 602.01 of the MPEP states the following:

The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required....

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether non-initialed and/or non-dated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration.

### **CONCLUSION**

For the reasons set forth above, the declaration submitted on 08 August 2008 is unacceptable as filed.

The application is **ABANDONED** for failure to provide a proper reply to the Notification of Defective Response.

Any further correspondence with respect to this matter should be addressed to the Mail

Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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